



Winston Hickox
*Secretary for
Environmental
Protection*

Gray Davis
Governor

**MINUTES OF
REGULAR MEETING
Thursday and Friday, May 17-18, 2001
REGIONAL WATER QUALITY CONTROL BOARD**

Thursday, May 17, 2001, 2:33 p.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 2:33 p.m. on May 17, 2001, in the Conference Room of the Central Coast Regional Board Office, 81 Higuera Street, Suite 200, San Luis Obispo, California.

1. Roll Call..... Office Technician Carol Hewitt
[2:35 to 2:40 p.m.]

Board Members Present:
Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
John Hayashi
Jeffrey Young

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked parties wishing to speak to turn in testimony cards. Mr. Briggs noted that the State Board Liaison, Richard Katz, was unable to attend the meeting due to a scheduled State Board meeting. Sheryl Freeman, counsel for Region 2, participated by conference phone to assist our region with any legal issues during the Board meeting.

Supplemental Sheet is for Item #6, MTBE Site for Chevron/Cambria. Item #9, Tom Burns/Monterey County, and Item #12, Carpinteria Sanitary District, Santa Barbara County, have waived their hearings and paid their complaint amounts.

3. . Approval of Minutes for March 22-23, 2001 Meeting..... Board Motion

MOTION: Les Bowker moved to approve the minutes for the March 22-23, 2001 meeting. **SECONDED** by Bruce Daniels. **CARRIED – Unanimously (5-0)**

4. Public Forum..... Chair Shallcross
No parties participated in the public forum.

5. Los Osos Community Services District, San Luis Obispo County [Sorrel Marks 805/549-3695]..... Status Report

Staff member Sorrel Marks summarized the status of the community wastewater project indicating that the Los Osos Community Services District is currently on track with Time Schedule Order 00-131 compliance dates. Sorrel also indicated that over 5000 copies of the staff report and agenda notice were mailed to property owners in Los Osos as a means of informing the public of Regional Board activities. Sorrel also announced that this morning, the State Board approved a \$2,000,000 grant for Los Osos CSD from the Proposition 13 Water Bond funds. Mark Gowdy (State

Board Clean Water Programs staff) gave a brief presentation regarding the State Revolving Fund loan program and summarized the status of the Los Osos CSD project. Los Osos CSD President Rosemary Bowker thanked the Regional Board for its patience with this complex project and thanked Regional Board staff for their participation in local public meetings, public education activities and support of the District's grant proposal. CSD General Manager, Bruce Buel, reviewed the wastewater project status, schedule, and potential funding sources.

6. MTBE Sites [Jay Cano 805/549-3699].....Status Reports

At the Board's request, Regional Board staff provided a summary of Chevron Products Company's (Chevron) recent information submittal and types of data that underwent Chevron's quality assurance/quality control process.

Mr. Gregg Berge, property owner, thanked Executive Officer Briggs for his April 2001 letter stating that all property owners are stakeholders in Cambria's water issues.

Mr. Ken Topping, General Manager of the CCSD, reported that the State of California Department of Health Services (DHS) paid \$643,000 towards CCSD's new well at the High School and additional payments are pending. Mr. Topping thanked the Regional Board for requiring Chevron to delineate the extent of the MTBE plume in alluvium and bedrock materials. Mr. Topping also indicated that installation of the granular activated carbon treatment system (treatment system) on the CCSD's Santa Rosa Creek wells was progressing.

As a follow-up to the Regional Board's January 31, 2001, alternative water supply meeting, Mr. Briggs and Mr. Gary Shallcross inquired whether the CCSD would like Regional Board staff to continue to try to facilitate discussions between the CCSD and Chevron on the alternative water supply. Mr. Topping indicated that the CCSD would approach Chevron in time and further Regional Board staff assistance was not needed.

Mr. Deryl Robinson, property owner and member of United Lot Owners of Cambria, encouraged the Regional Board to enforce the Order to provide an alternative water supply for Cambria.

Mr. Peter Chaldecott, Vice President of CCSD Board of Directors, indicated that he would like to hear progress on the ongoing expedited site assessment at the next Regional Board meeting.

Mr. Don Villeneuve, member of CCSD Board of Directors, stated that other factors limited growth in Cambria, such as traffic and availability of schools, not just Chevron's MTBE release.

7. Priority List for the Clean Water State Revolving Fund Loan Program..... Status Report
[Mike Higgins 805/542-4649]

Roger Briggs recommended that Pacific Grove, Paso Robles, Pismo Beach and Los Osos CSD projects be included on the new priority list for the Clean Water

State Revolving Fund Loan Program. The Board had no objection with the recommendation to forward the new projects to the State Board.

8. Enforcement Report [Brad Hagemann 805/549-3697] Status Report

Brad Hagemann added a written summary with more detail on violations in need of further explanation. The summary does not include spills. Mr. Hagemann asked for feedback on the summary. Board member Daniels

was very pleased with the summary. Mr. Briggs noted that the Enforcement Report includes violation follow-up in the "Enforcement Action" column.

10. North County Auto Wreckers, San Luis Obispo County [Jennifer Bitting 805/549-3334] Order No. 01-013

Chair Shallcross read an opening statement for a hearing for an Administrative Civil Liability and all parties involved were sworn in. Mr. Briggs introduced staff member Jennifer Bitting. Ms. Bitting gave a presentation. Mr. James Payne stated that the owner of

North County Auto Wreckers, Darrell Payne, was not in attendance and had not received any mail from the Board for a year because he was out of the County. Board discussion followed.

MOTION: Bruce Daniels moved to adopt Order No. 01-013 to include Section 13399.33 (which mandates that the Regional Board assess penalties of \$5,000 per year for failure to file a stormwater permit). This Administrative Civil Liability is for \$10,000. SECONDED by Leslie Bowker. CARRIED – Unanimously (5-0).

Meeting adjourned at 5:22 p.m.

Friday, May 18, 2001, 8:34 a.m.

13. Roll Call Office Technician Carol Hewitt
[8:35 a.m. to 8:40 a.m.]

Board Members Present:

Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
John Hayashi
Jeffrey Young

14. Introductions Executive Officer Briggs

Executive Officer Briggs introduced staff members Marilyn Knollenberg, Carol Hewitt, Paul Jagger and Harvey Packard. Mr. Briggs asked all parties who wished to testify to fill out testimony cards and pass them to staff. Supplemental sheets are as follows: Item Nos. 17, 18, Letter regarding No. 19, 22-26, 29, 36 and

40. Our State Board liaison was unable to attend this meeting due to a scheduled State Board meeting. Our legal counsel for this meeting is Phil Wyels, who will be attending by conference phone. Mr. Briggs then asked supervisory staff to introduce new Regional Board staff members.

15. Public Forum.....

Chair Shallcross

Mr. Drew Bohan, Santa Barbara Channelkeeper, discussed wetlands in our area and focused on the Carpinteria Salt Marsh. He expressed concerns about the high discharge of nutrients in the marsh. He urged the Board to direct staff to research the issue. He also briefly discussed construction and sewer problems in

the southern portion of the region. Board member Daniels asked Mr. Bohan if he has shared information with staff. Board member Young questioned if the issues were within the Board’s jurisdiction.

16. Uncontested Items.....

Board Motion

Roger Briggs requested to add Item No. 21, Nunes Cooling, to the consent calendar, remove Item No., 27, Laguna County Sanitation District Plant. He noted that a salt management plan was not included in Item Nos. 24 and 25 due to the small size of the discharge. However, the draft orders prohibit the discharge of self-regenerating softeners for Item Nos. 24 and 25. Board member Young requested to remove Item No.

36, Santa Maria Landfill. Mr. Daniels questioned Item No. 20, Spectramat. Jay Cano clarified that Spectramat could apply to increase their usage limit if they had a need to do so. Additional questions were asked on Item Nos.32 and 34. For Item No. 26 Specification No. 3 , was modified to include an effective date of July 31, 2001.

MOTION: Bruce Daniels moved that Item Nos. 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, and 35 be approved as consent items. SECONDED by John Hayashi. CARRIED – Unanimously (5-0)

17. Lompoc City Wastewater Treatment Plant, Santa Barbara County

Order No. 00-014
[Scott Phillips 805/549-3550]

Chair Shallcross read an opening statement for a hearing and all parties involved were sworn in. During the discussion of the case before the Board, Board Member Daniels and Dale Ducharme, Wastewater Superintendent, City of Lompoc, agreed that the heading of the second column in the table of

Specification B.5 be changed to read “Average” rather than “Instantaneous Maximum”. Representatives of the discharger were present for the meeting but had no dispute with the order and accompanying supplemental sheet as they were written.

MOTION: Leslie Bowker moved to adopt Order No. 00-014 with the change discussed above and changes proposed in the Supplemental Sheet. SECONDED by John Hayashi. CARRIED – Unanimously (5-0)

19. National Refractories, Monterey County [Lida Tan 805/542-4785].....

Order No. 01-030

Chairman Shallcross began by reading the hearing procedures. Executive Officer, Roger Briggs, informed the Board about a late comment letter from Center for Marine Conservation and introduced Board staff, Lida Tan, to address the Board. Ms. Tan, summarized the late comments and informed the Board that many of the comments had been addressed in the staff report. Although CMC supported the revisions

made to the proposed permit, it didn’t believe such improvements were sufficient. CMC would support the permit renewal, if the facility capacity were restricted.

Mr. Sam Bose, Environmental Manager at National Refractories and Minerals Corporation, spoke to the Board supporting the proposed permit. Ms. Kaitlin

Gaffney, Center for Marine Conservation representative, raised concerns regarding the maximum discharge volume, the applicability of the proposed permit to the current inactive plant operation, and the cumulative impacts of National Refractories and nearby Duke Energy Moss Landing Power Plant. Ms. Gaffney asked the Board not to adopt the proposed permit and instead, rescind the existing permit. She further asked the Board to issue a new permit for the existing plant operation conditions and issue another permit if the Discharger changes its plant operation in the future. Board members discussed the feasibility of rescinding the permit and the monitoring requirements. Ms. Tan, explained the various monitoring requirements and pointed out to the Board that if the existing permit were rescinded, the Discharger would only qualify for the Industrial Storm Water General Permit since there is no current wastewater discharge from the plant operation, other than the storm water discharge and discharge from a small pilot scale abalone study. Ms. Tan pointed out rescinding and issuing new permits for the same facility could add unnecessary administrative cost and more importantly, timing to the process. The Board asked the Discharger

about timing needed to prepare for the plant restart and the existing conditions of the damaged diffuser system. Mr. Bose and Mr. Robert Gonzalves, both representatives of National Refractories, answered Board Member questions. They explained that the facility's operation is based on economics and market demand. Board counsel, Phil Wyels, recommended language changes to Finding No. 11, discussing the reasonable expectation that the plant may increase to full production during the life of the proposed permit. Regarding the damaged diffuser system, Mr. Gonzalves stated it would be evaluated further prior to any discharge increase. The Board discussed the need for clarifying the reporting language to ensure the facility and the diffuser system are fully operational prior to increased discharge.

At the conclusion, Executive Officer, Roger Briggs, summarized the hearing and pointed out that it is common for the Regional Board to issue permits to Dischargers with various seasonal or industrial business cycles.

MOTION: Bruce Daniels moved to adopt Order No. 01-030 with two revisions; 1) require the Discharger certify that the plant will be in full compliance with the permit prior to restarting its production (Discharge Specification B.20.) and, 2) clarify the Discharger's intent to operate at full production level (Finding No. 11). SECONDED by Leslie Bowker. CARRIED – Unanimously (5-0)

(Chair Shallcross announced a break at 10:10 a.m. The meeting reconvened at 10:25 a.m.)

27. Laguna County Sanitation District Wastewater Treatment Plant, Santa Barbara County Order No.01-042 [Brad Hagemann 805/549-3697]

Supervising WRCE Brad Hagemann, introduced the item to the Board members. He informed them that the item had been uncontested until the day of the Board meeting. On May 18th he received a phone call from Mr Ed Sutti, who wished to address the Board regarding this Order.

Mr. Ed Sutti, a local farmer and adjacent property owner to the Laguna County Sanitation District spoke first. Mr. Sutti claimed that he had not received the proposed Order until late last week and proposed postponing consideration of the item to the Board meeting on July 13, 2001. Regional Board staff responded by stating that Mr. Sutti and his agent, Harrel Fletcher, were on the Interested Parties List.

Staff also informed the Board that the draft proposed Order had been sent to all interested parties on February 16, 2001, and the final proposed Order had been sent to the interested parties approximately three weeks prior to the Board meeting date.

Ms. Laurie Tamura with Urban Planning Concepts recommended the Board move forward with adoption of the Order as proposed.

Mr. Eric Justison spoke in support of the proposed Order. The company he is employed with, RPM Design Group, works with local landowners.

Mr. Jon Martin, a property owner in Orcutt, stated that he has been waiting to develop his property for a long time in anticipation of the new facilities at Laguna County Sanitation District's Wastewater Treatment Plant. Mr. Martin spoke in support of the proposed Order.

Mr. Martin Wilder, Manager at Laguna County Sanitation District, encouraged the Board to adopt the Order as proposed. He also answered questions from Board members regarding the high groundwater table and the Sutti property.

MOTION: Leslie Bowker moved to adopt Order No. 01-042. SECONDED by Bruce Daniels. CARRIED – Unanimously (5-0)

33. Moss Landing Dredging, Monterey County [Lida Tan 805/542-4785] Order No. 01-007

Executive Officer, Roger Briggs, clarified that this item would have been on the uncontested calendar, but he wanted the Board to be aware that legal counsel, Mr. Phil Wyels, had mentioned the State Board intends to issue a general NPDES permit for dredging water

discharges. Both Mr. Briggs and Mr. Wyels informed the Board that the date for State Board action is unknown and that a re-opener clause would not be appropriate.

MOTION: Bruce Daniels moved to approve Order No. 01-007. SECONDED by John Hayashi. CARRIED – Unanimously (5-0).

34. Oak Hills Wastewater Treatment Plant, Monterey County Order No. 01-009
[Lida Tan 805/542-4785]

Board Member Bruce Daniels had several questions on the proposed order. First, he asked if coliform organisms should be added to effluent monitoring. Staff member, Lida Tan, explained that since effluent chlorination has been eliminated, the coliform levels would be high; thus monitoring may not be necessary. Executive Officer, Roger Briggs, recommended not adding any effluent coliform monitoring in the order. The Board agreed. Mr. Daniels also had concerns about the total nitrogen, nitrate, and ammonia levels found in the wastewater ponds, effluent and groundwater monitoring wells and the potential impact to the nearby high school water supply well, 1,000 feet southwest of the wastewater plant. Staff

acknowledged that it was unusual to detect ammonia in the wastewater ponds, the effluent or the groundwater monitoring wells. As a result, a new provision (Provision D.8.) was proposed requesting the Discharger to submit an engineering report evaluating the pond system capacity, nitrogen loading and potential impact to the shallow groundwater. In addition, staff would inquire monitoring data on the local high school water supply well from Monterey County Health Department. The last Board question was regarding the potential health risk associated with airborne pollutants from the unchlorinated effluent. The Board agreed to add a restriction prohibiting any effluent spraying if wind speed exceeds 20 MPH.

MOTION: Leslie Bowker moved to approve revised Order No. 01-009 to include Provision D.8. and add the 20-mph wind speed to Discharge Specification B.10.c. SECONDED by John Hayashi. CARRIED – Unanimously (5-0).

36. Santa Maria Landfill, Santa Barbara County [John Robertson 805/542-4630]..... Order No. 01-041

Associate Engineering Geologist John Robertson, Regional board staff person for the Santa Maria Landfill, responded to questions presented by Regional Board members. The questions addressed issues pertaining to the Waste Discharge Requirement (WDR) No. 01-041.

The Board discussed the benefits of closing the unlined portion of the Santa Maria Landfill, but expressed concern over permitting delays that allow for indefinite extension of the required closure of the unlined Active Area. Mr. Robertson explained that as currently worded, the proposed Order requires the closure of the Active Area on or before November 30, 2002. He outlined that Santa Maria Landfill could request one-year extensions of this closure deadline only if they experienced delays in their Solid Waste Facilities

Permit from the California Integrated Waste Management Board. The extension may then be granted at the discretion of the Executive Officer if he felt that the Santa Maria Landfill had done everything within their power to gain the necessary permit. Executive Officer, Roger Briggs, suggested a language change allowing one extension (past the November 30, 2002 closure deadline) approvable by the Executive Officer, with all future extensions beyond November 30, 2003 requiring concurrence from the Regional Board, likely through the Executive Officer's report.

Mr. Robertson recommended adoption of Order with suggested language change, including the Supplemental Sheet provided to the Regional Board on this item.

MOTION: Bruce Daniels moved to adopt Order No. 01-041 with noted language modifications. SECONDED by Jeffrey Young. CARRIED – Unanimously (5-0)

(Chair Shallcross announced a lunch break at 12:00 p.m. and met in Closed Session. The meeting reconvened at 1:15 p.m.)

37. Identification and Cleanup of Solvents in Groundwater, Santa Barbara County Status Report [Harvey Packard 805/542-4639]]

Senior Water Resources Control Engineer Harvey Packard provided a status report on this topic to augment the written report.

Board members had several questions and comments regarding the depth to groundwater, threats to drinking

water wells, surface water threats, and innovative ways to fund cleanup at abandoned sites. Executive Officer Briggs and counsel Phil Wyels also provided input regarding potential use of the State Board's cleanup and abatement account.

39. Reports by Regional Board Members..... Status Report

Board Member Young reported on the Budget Meeting he attended in Sacramento. In addition to budget discussions, other points of discussion included the Department of Finance, budget constraints, utilization of contracts, and filling staff vacancies. Mr. Young also reported that the State Board is very pleased with

Region 3 staff performance. Board Member Daniels attended a Monterey Bay Treatment Plant meeting to discuss funding, the Proposition 13 process, improvements, repairs, etc. He noted that future meetings are planned and our agency staff may wish to participate.

40. Executive Officer's Report..... Roger Briggs

Executive Officer Roger Briggs discussed several low threat discharges and discharge waivers. Mr. Marvin Niccum, Geologist, affiliated with Buena Vista Mines, Inc. addressed staff's description of the reports he previously submitted to BVMI and to the Board. Mr. Niccum pointed out perceived errors and misconceptions. Mr. Briggs suggested that Mr. Niccum meet with our staff member, Gerhardt Hubner to clarify.

Mr. Briggs and staff member Scott Phillips attended a City of Pismo Beach meeting to discuss the existing sewer plant and the replacement of the plant.

The Board discussed staff information on Carmel Highlands. The Board questioned why the County does not support a sewer project for the area. Matt Thompson responded that the County is reluctant to support the project due to anticipated cost. Board Member Young asked about legislation on septic tanks. Mr. Briggs reported that the new septic tank policy would be in force within three years. He also mentioned the possibility of addressing the Memorandums of Understanding with the Counties with regard to septic tank policy.

Mr. Briggs provided the Board a status report prepared by staff member Hector Hernandez, project manager for the Ballard Canyon Landfill site. The status report summarized the status of corrective action activities and replacement water issues and informed the Board of major developments since the March 23, 2001 Board meeting. The status report also included a

supplemental sheet that summarized a two-page letter submitted by Mr. Larner's attorney after the agenda was prepared. The letter presents additional concerns about the County of Santa Barbara meeting Mr. Larner's domestic water needs. The following parties spoke on the issue:

Mr. John Dorwin, Attorney
Heidi Whitman, County of Santa Barbara

Mr. Briggs noted that the TMDL Update will be provided at each meeting even though you will not see big changes. Board Member Daniels suggested utilizing a table for the TMDL information.

Mr. Briggs noted that Jay Cano provided follow-up on the Emergency, Abandoned, and Recalcitrant Account Fund. The local oversight program can add sites to the list if they wish, but do not want to add sites at this time.

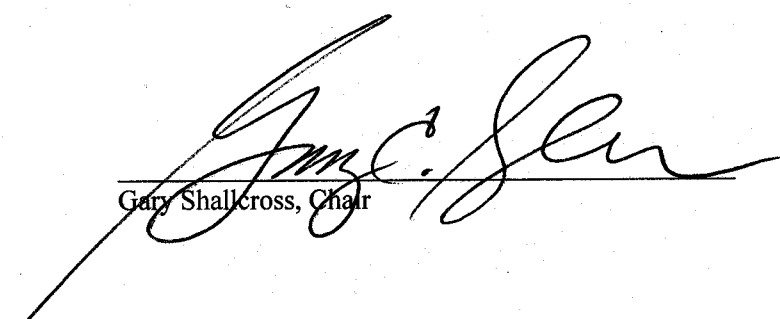
Mr. Briggs reported that the State Board dismissed the petition that was filed for Ragged Point Inn and Resort.

Mr. Briggs noted the Supplemental Environmental Projects are being tracked and followed up.

Mr. Briggs discussed the Offsite Meeting and a list of ideas for discussion. The meeting will review procedures and technical issues that are not site specific. The meeting is scheduled to be held on Wednesday, June 20, 2001. A notice will be sent out.

Chairman Shallcross adjourned the public meeting at 3:22 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its July 12-13, 2001 meeting in San Luis Obispo, CA.



Gary Shallcross, Chair